

House Amendment 8402

PAG LIN

1 1 Amend House File 2637 as follows:
1 2 #1. Page 3, by striking lines 10 through 25 and
1 3 inserting the following:
1 4 <Sec. _____. Section 622.10, Code Supplement 2007,
1 5 is amended by adding the following new subsection:
1 6 NEW SUBSECTION. 4A. At any time, upon a written
1 7 request from a patient, a patient's legal
1 8 representative or attorney, or an adverse party
1 9 pursuant to subsection 3, any provider shall provide
1 10 copies of the requested records or images to the
1 11 requester within thirty days of receipt of the written
1 12 request. The written request shall be accompanied by
1 13 a legally sufficient patient's waiver unless the
1 14 request is made by the patient or the patient's legal
1 15 representative or attorney. The provider shall also
1 16 produce copies of patient records or images contained
1 17 in the provider's files generated by another provider.
1 18 a. The fee charged for the cost of producing the
1 19 requested records or images shall be based upon the
1 20 actual cost of production. If the written request and
1 21 accompanying patient's waiver, if required, authorizes
1 22 the release of all of the patient's records for the
1 23 requested time period, including records relating to
1 24 the patient's mental health, substance abuse, and
1 25 acquired immune deficiency syndrome-related
1 26 conditions, the amount charged shall not exceed the
1 27 rates established by the workers' compensation
1 28 commissioner for copies of records in workers'
1 29 compensation cases. In addition, a retrieval fee of
1 30 up to twenty-five dollars per request may be charged
1 31 for up to two requests. If requested, the provider
1 32 shall include an affidavit certifying that the records
1 33 or images produced are true and accurate copies of the
1 34 originals for an additional fee not to exceed ten
1 35 dollars.
1 36 b. A patient or a patient's legal representative
1 37 or a patient's attorney is entitled to one copy free
1 38 of charge of the patient's complete billing statement,
1 39 subject only to a charge for the actual costs of
1 40 postage or delivery charges incurred in providing the
1 41 statement. If requested, the provider or custodian of
1 42 the record shall include an affidavit certifying the
1 43 billing statements produced to be true and accurate
1 44 copies of the originals for an additional fee not to
1 45 exceed ten dollars.
1 46 c. Fees charged pursuant to this subsection are
1 47 not subject to a sales or use tax. A provider
1 48 providing the records or images may require payment in
1 49 advance if an itemized statement demanding such is
1 50 provided to the requesting party within fifteen days
2 1 of the request. Upon a timely request for payment in
2 2 advance, the time for providing the records or images
2 3 shall be extended until the greater of thirty days
2 4 from the date of the original request or ten days from
2 5 the receipt of payment.
2 6 d. If a provider does not provide to the requester
2 7 all records or images encompassed by the request or
2 8 does not allow a patient access to all of the
2 9 patient's medical records encompassed by the patient's
2 10 request to examine the patient's records, the provider
2 11 shall give written notice to the requester or the
2 12 patient that providing the requested records or images
2 13 would be a violation of the federal Health Insurance
2 14 Portability and Accountability Act of 1996, Pub. L.
2 15 No. 104-191.
2 16 e. As used in this subsection:
2 17 (1) "Records" and "images" include electronic
2 18 media and data containing a patient's health or
2 19 billing information and "copies" includes patient
2 20 records or images provided in electronic form,
2 21 regardless of the form of the originals. If consented
2 22 to by the requesting party, records and images
2 23 produced pursuant to this subsection may be produced
2 24 on electronic media.

2 25 (2) "Provider" means any physician or surgeon,
2 26 physician assistant, advanced registered nurse
2 27 practitioner, mental health professional, hospital,
2 28 nursing home, or other person, entity, facility, or
2 29 organization that furnishes, bills, or is paid for
2 30 health care in the normal course of business.>
2 31 #2. Title page, by striking line 2 and inserting
2 32 the following: <concerning health care, patient
2 33 access to the patient's medical file, and health care
2 34 records and providing>.
2 35 #3. By renumbering as necessary.
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2 39 HUSER of Polk
2 40 HF 2637.701 82
2 41 rh/rj/21050